

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

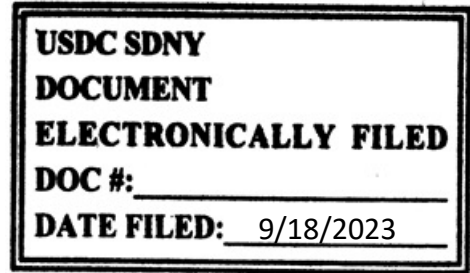
ANTHEM, INC.,

Defendant.  
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**KATHARINE H. PARKER, United States Magistrate Judge:**

Defendant has sought leave to serve contention interrogatories on Plaintiff, asking Plaintiff to identify each claim and statement that Plaintiff alleges is false and the information that Plaintiff alleges to be false. (ECF No. 123.) Plaintiff opposes Defendant's request, arguing that Defendant has not demonstrated that the interrogatories "are a more practical method of obtaining the information sought than a request for production or a deposition" as required by Local Rule 33.3(b).

The Court agrees with Plaintiff that the proposed interrogatories are not a more practical method of obtaining the information sought. Plaintiff has already provided Defendant with information about the topics that Defendant seeks in the interrogatories, including 99 of Defendant's attestations that Plaintiff alleges contain false claims. Defendant is fully capable of assessing its own data regarding the claims it submitted for payment as identified in the 99 attestations and ascertain whether those claims were backed by medical records. Defendant has its own data available to them and may determine the information it is seeking based on other discovery to be exchanged between the parties and its own data. Defendant may not use interrogatories to seek regurgitation of factual information that has been produced and



**20-CV-2593 (ALC) (KHP)**

**ORDER**

that it is capable of understanding through its own records and Plaintiff's production. *Spectrum Dynamics Med. Ltd. v. Gen. Elec. Co.*, 2021 WL 1660684, at \*2 (S.D.N.Y. Apr. 28, 2021).

The general practice of this district is the exchange of any interrogatories at the conclusion of discovery. Local Rule 33.3(c). This allows the parties to seek this information through other forms, including the use of depositions and exchange of documents.

Therefore, Defendant's motion to serve interrogatories on Plaintiff is denied.

**SO ORDERED.**

DATED: New York, New York  
September 18, 2023



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KATHARINE H. PARKER  
United States Magistrate Judge